

**IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS**

PETER J. MILLER, an individual,  
CLIFFORD HOYT, an individual, and  
CAMBRIDGE RESEARCH AND  
INSTRUMENTATION, INC.,  
a Delaware corporation,

Plaintiffs,

v.

PATRICK TREADO, an individual, and  
CHEMIMAGE CORP., a Delaware  
corporation,

Defendants.

**Civil Action No. 05-10367-RWZ**

**PLAINTIFFS'  
COMBINED MOTION AND MEMORANDUM IN SUPPORT THEREOF  
FOR LEAVE TO FILE  
A REPLY BRIEF TO DEFENDANTS' OPPOSITION [D.E. 55] TO  
PLAINTIFFS' MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT [D.E. 40]**

Pursuant to LR 7.1(b)(3), the plaintiffs, Peter J. Miller, Clifford Hoyt, and Cambridge Research and Instrumentation, Inc., hereby request leave to file a reply brief to defendants', Patrick Treado's and ChemImage Corp.'s, opposition [D.E. 55] to plaintiff's motion for leave to file an amended complaint [D.E. 40].

The memorandum required by LR 7.1(b)(1) is incorporated herein.

Pursuant to LR 7.1(a)(2), plaintiffs' counsel asked defendants' counsel for their assent to file a motion for leave to file a reply to defendants' opposition. Defendants' counsel refused to give their assent.

By contrast, plaintiffs agreed to defendants' motion [D.E. 52] for leave for defendants' opposition to exceed the page limit. Defendants' opposition [D.E. 55] is over forty-one pages

long, raises numerous new issues, and contains mistakes of law and fact which plaintiffs would like to correct by filing a Reply brief.

On this basis, plaintiffs respectfully request leave to file a reply brief to defendants' opposition [D.E. 55].

Upon a favorable ruling by the Court on this motion, plaintiffs are prepared to file a reply to defendants' opposition on or before July 6, 2006 (this is a slight extension of the LR 7.1(a) deadline because of the July 4<sup>th</sup> holiday weekend), or by such other date the Court may set.

Respectfully submitted,

**PETER J. MILLER, CLIFFORD HOYT,  
and CAMBRIDGE RESEARCH AND  
INSTRUMENTATION, INC.,**

By their attorneys:

Dated: June 22, 2006

/s/ Teodor Holmberg  
Martin B. Pavane  
Teodor J. Holmberg (BBO# 634708)  
COHEN, PONTANI, LIEBERMAN & PAVANE  
551 Fifth Avenue  
New York, New York 10176  
Tel. (212) 687-2770  
E-mail: [tidge@cplplaw.com](mailto:tidge@cplplaw.com)

Brian L. Michaelis (BBO# 555159)  
Erin E. McLaughlin (BBO# 647750)  
BROWN RUDNICK BERLACK ISRAELS LLP  
One Financial Center  
Boston, MA 02111  
Tel. (617) 856-8200  
E-mail: [BMichaelis@brownrudnick.com](mailto:BMichaelis@brownrudnick.com)

**LOCAL RULE 7.1(a)(2) CERTIFICATION**

Counsel for plaintiffs conferred with counsel for defendants in a good faith attempt to resolve or narrow the issue presented in this motion. Counsel for defendants refused to consent to the filing of this motion.

/s/ Teodor Holmberg  
Teodor J. Holmberg (BBO# 634708)